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December 10, 2010

Peter C. Layman, Esquire
McFall, Layman & Jordan, P.C.
134 Broadway
Bangor, PA 18013

John Molnar, Esquire
The Molnar Law Offices
Wind Gap Professional Center
6697 Sullivan Trail
Wind Gap, PA 18091

RE: Case : The Borough of Wind Gap vs. Reimer and Wind Gap ZHB
Docket No. : 2010-CV-11706
Court : C.C.P. of Northampton County, PA
Subject : Stipulation of Counsel and Order of Court

Dear Peter and John:

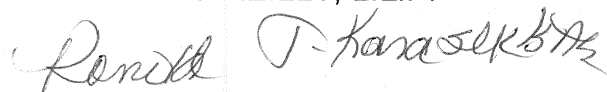
For your respective files, enclosed herewith please find a certified and time-stamped copy of the Order of Court (and Stipulation of Counsel), the original of which was filed on December 10, 2010. Please contact me if you have any questions regarding this item.

At this point, I would ask that John schedule a new zoning hearing; and, by copy of this letter, Darlene Plank-Turlington, Borough Zoning Officer, is receiving her respective copy of the order/stipulation for the Borough's file.

As I await the scheduling of the hearing, I remain,

Very truly yours,

MARTINO, KARASEK, MARTINO
and LOPIANO-REILLY, L.L.P.



Ronold J. Karasek, Esquire
Solicitor to Borough of Wind Gap

RJK/sas
Enclosure

cc: Darlene Plank-Turlington, Borough Zoning Officer – w/encl.

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION

THE BOROUGH OF WIND GAP,

Appellant,

Vs.

PERCY D. REIMER AND
BOBBIE B. REIMER AND
THE ZONING HEARING BOARD OF
THE BOROUGH OF WIND GAP,

Appellees,

No. C48 CV 2010-11706

CIVIL ACTION

APPEAL FROM ZONING DECISION

ORDER OF COURT

AND NOW, this 10th day of December, 2010, upon consideration of the within attached Stipulation of Counsel, it is hereby

ORDERED AND DECREED, pursuant to the terms and conditions of said stipulation, the instant matter be remanded to the Zoning Hearing Board of the Borough of Wind Gap for further proceedings regarding the appeal of the Appellees-Reimers to the Wind Gap Zoning Officer's Enforcement Notice alleging a violation of the free-standing sign provision of the Borough Zoning Ordinance, Section 607 Prohibited Signs).

SERVICE OF THE INSTANT ORDER to be made upon counsel for the Appellees by counsel for the Appellant in the mode of first class mail, postage prepaid or as this Honorable Court may otherwise direct.

BY THE COURT:

By: Tyler Brannen J.

cc: Ronold J. Karasek, Esquire – Attorney for Appellant, Borough of Wind Gap
Peter C. Layman, Esquire – Attorney for Appellees, Reimers
John Molnar, Esquire – Attorney for Appellee, Zoning Hearing Board of the
Borough of Wind Gap

FILED
2010 DEC 10 9:17
COURT OF COMMON PLEAS
CIVIL DIVISION
NORTHAMPTON COUNTY, PA

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
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THE BOROUGH OF WIND GAP,

Appellant,

Vs.

PERCY D. REIMER AND
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COURT OF COMMON PLEAS
CIVIL DIVISION
NORTHAMPTON COUNTY, PA

STIPULATION OF COUNSEL

WHEREAS, the aforesaid matter is a land use appeal in which the Borough of Wind Gap has filed an appeal of a Decision of the Zoning Hearing Board of the Borough of Wind Gap dated September 17, 2010 in which an Enforcement Notice issued by the Borough Zoning Officer against Percy D. Reimer and Bobbie B. Reimer was dismissed; and,

WHEREAS, the Borough of Wind Gap is represented by its Solicitor, Ronold J. Karasek, Esquire, of Martino, Karasek, Martino and Lopiano-Reilly, LLP, of 641 Market Street, Bangor, Northampton County, Pennsylvania 18013; and,

WHEREAS, the Appellees-Reimers are collectively represented by Peter C. Layman, Esquire, of McFall, Layman and Jordan, P.C., of 134 Broadway, Bangor, Northampton County, Pennsylvania 18013; and,

WHEREAS, the Zoning Hearing Board of the Borough of Wind Gap is represented by its Solicitor, John Molnar, Esquire, of the Molnar Law Offices, of 6697 Sullivan Trail, Wind Gap, Pennsylvania, 18091; and,

WHEREAS, the parties have agreed to resolve the instant Land Use Appeal by allowing the matter to be remanded for further proceedings before the Borough Zoning Hearing Board; and,

WHEREAS, the aforesaid attorneys hereby represent that each of them have the authority and permission of their respective clients to enter into the aforesaid Stipulation.

NOW, THEREFORE, in consideration for the mutual promises and covenants to be hereinafter made and hereinafter kept by and between the parties hereto and for other good, valuable, mutual and sufficient consideration, the parties hereto, by and through their respective attorneys, agree as follows:

1. That the Land Use Appeal filed by the Borough of Wind Gap is sustained and the case is being remanded to the Borough of Wind Gap Zoning Hearing Board for further proceedings on the appeal by the Reimers to the Enforcement Notice for a violation of Borough Ordinance No. 607 (Prohibited Signs) for free-standing signs situate upon 404 Lehigh Avenue and the premises known as the "Petro Mart".


2. This remand is without prejudice to the Reimers to present any and all evidence they believe is admissible, relevant and probative in support of their position; and, likewise, the Borough of Wind Gap shall be entitled to present any and all evidence in its defense and in support of the Enforcement Notice issued by its Zoning Officer.

3. The aforesaid Stipulation is without prejudice to any of the parties' right to appeal any further decision of the Borough Zoning Hearing Board that is or may be entered.

IN WITNESS WHEREOF, the aforesaid counsel have set their hands and seals on the day and year hereinbelow written.

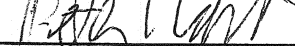
MARTINO, KARASEK, MARTINO
and LOPIANO-REILLY, L.L.P.

DATED: 11/15/10

By: 
Ronald J. Karasek, Esquire
PA I.D. No. 23233
Solicitor to the Borough of Wind Gap
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Bangor, PA 18013
(610) 588-0224 – phone
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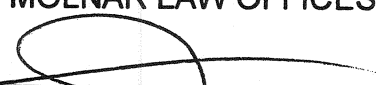
McFALL, LAYMAN AND JORDAN, P.C.

DATED: 10-19-10

By: 
Peter C. Layman, Esquire
PA I.D. No. 39772
Attorney for Appellees, Reimers
134 Broadway
Bangor, PA 18013
(610) 588-0484 – phone
(610) 588-3455 – fax

THE MOLNAR LAW OFFICES

DATED: 11/8/10

By: 
John Molnar, Esquire
PA I.D. No. 21425
Solicitor to the Zoning Hearing Board
of the Borough of Wind Gap
6697 Sullivan Trail
Wind Gap, PA 18091
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